

**From:** Darren Beck  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement.

Hi,

I would like to add my voice of concern about the proposed Microsoft Settlement.

I have worked in the computer industry for fifteen years and am now an independant software developer. I have also taken a very strong interest in the Microsoft Antitrust Case and belive I have read almost every article that has been written about it over the last few years since the case began.

It has been for me a case of 'will justice be served' and a bit of a reflection on the state of the world.

I don't think justice is being served at all in the proposed settlement. The state of the world in computers isn't looking too good at the moment. Microsoft has acted against the spirit and law of the antitrust regulations on a regular basis and appears to be still doing so. They have been found guilty of serious antitrust violations. They don't appear to be in any way interested in developing new and innovative software, rather their primary concern is to make sure that they control the market in as many areas as they possibly can.

I am certain that this is stifling innovation in the industry. The industry these days seems to have 'not getting in Microsoft's' way as their prime focus and only seems to be innovating in areas outside of Microsoft's concern. I remember well when new ideas and technologies were driving the industry forward on an almost daily basis. Now in the major applications areas and in consumer operating systems there seems to be very little if any innovation. Microsoft Word and Excel haven't gotten any better for years. Internet Explorer, now that it owns the market for web browsers, hasn't gotten better for years.

The market for computers and software is now as dead as it has ever been. Sales are low and growth is slow, and there doesn't appear to be much ahead that will fix this while the market is being continuously stifled.

For what it's worth, here's what I think urgently needs to be done;

1. Windows XP, with all of it's new 'free' add ons needs to have the add ons removed, or at the very least XP neds to be available at a cheaper price without these add ons. We are talking about add ons to do with multimedia, sound, video and instant communications here! These are crucial areas. If Microsoft is allowed to include these for free in their operating system then we can say good bye to innovation in these areas. As things stand I

can see versions of Windows Media Player that 'never get any better' being around for a long time to come and keeping this vital area of the market stifled. There is much that could be done in multimedia and communications if this section of the industry isn't stifled.

The fact that Microsoft has been allowed to release Windows XP with all of this bundled software so soon after it had been found guilty in court and on appeal of numerous antitrust violations makes no sense at all.

2. Microsoft should publish freely and to everyone any networking specifications that it puts into its Windows software. Even better, it should be made to go through a standards committee if it wants to add to or change its networking code. We are not just talking about networking here, we are talking about the future of the Internet.

The Internet is (so far) based on open and accessible systems that have evolved openly and that anyone can use freely. Microsoft is adding 'Microsoft only' code to its Windows operating system and to its server software. Windows now 'works better' with Microsoft servers than with other servers, not because they have come up with better systems but because they have 'designed' their systems to operate in this way. This might be fine if the code used to do this was open and available and Microsoft was genuinely innovating, but the code is closed and proprietary. Nobody else but Microsoft has the power to introduce closed proprietary systems to the Internet, and Microsoft is only able to do this because of its market share in desktop operating systems. If people cannot see the networking code that Microsoft is including in Windows, then Microsoft will suddenly be able to control the server market and, by simple extension through its .net strategy, the protocols that are the foundation of the Internet.

If Microsoft owns the Internet protocols then we are all in trouble! Even if they just own some of them it will be enough to require almost everyone to use their software. They have done exactly what they are doing now time and time again in numerous other markets and they have always succeeded. They are likely to do the same here. Microsoft needs to publish and make freely available their Windows networking code in all instances. They should not even be allowed to own the rights to this code. They should be made to adopt standards and even to go through standards bodies before making changes.

I hope someone reads this and takes it seriously. These are vital matters which are not being addressed or not being addressed adequately in the proposed antitrust settlement. The proposed settlement, in my opinion, will not hinder or even slow Microsoft down in these vital areas.

I have many other thoughts on these matters. If anyone is interested in hearing them please let me know.

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